THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION NO.9825 of 2003

05.8.2005

Between:

Sri Pasupuleti Krishnaiah, S/o.Sri Chinnaramaiah,

Gadevarigudem, Gampalagudem Mandal, Krishna District.

… Petitioner

AND

1. The Superintendent of Police, Khammam

and three others

… Respondents

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ORDER:

The petitioner is a resident of Gadevarigudem in Gampalagudem Mandal of Krishna District. His daughter was married to third respondent. It appears that the petitioner's daughter died under mysterious circumstances while she was with her husband. It is alleged that at that time, the third respondent forcibly obtained the signatures of the petitioner on blank papers and created a promissory note in favour of the fourth respondent as if the same is executed by the petitioner. Based on the promissory note, it appears the respondents 3 and 4 filed O.S.No.14 of 2002 on the file of the Court of Senior Civil Judge, Sathupally. It is also alleged that respondents 3 and 4 approached the second respondent, who is summoning the petitioner to the Police station and threatening to implicate the petitioner in false criminal cases if he does not sign the blank papers. Therefore, the present writ petition is filed seeking direction to the respondents not to interfere with the civil disputes between petitioner and respondents 3 and 4.

While denying the various petition allegations, the second respondent, in the counter affidavit, stated that the respondents never interfered in the civil disputes between petitioner and respondents 3 and 4. It is also further stated that on a complaint made by third respondent petty case Nos.52 – 55 of 2003 under Sections 294(b) and 323 of Indian Penal Code, 1860 (IPC) booked against the petitioner and his two sons, and a charge sheet is also filed on the file of the Court of Judicial Magistrate of First Class, Sathupally. It is alleged that after the charge sheet is filed in the petty cases, the petitioner chose to file the present writ petition.

A reading of the petition would show that the complaint of the petitioner is that the police are interfering in civil disputes. This allegation is denied by the second respondent, in the counter affidavit. In the absence of any reply affidavit denying the counter averments, it has to be held that there is no truth in the allegations made by the petitioner.

In **J.Lakshmi @ Lakshmamma v Commissioner of Police, Vijayawada** (supra), after referring to the judgment in **S.Masthan Saheb v P.S.R. Anjaneyulu** (supra) as well as the code of conduct for police, this Court laid down as under.

> The Supreme Court has repeatedly held that when the dispute is purely of civil nature, the jurisdiction under Art.226 of the Constitution cannot be exercised. The Supreme Court also repeatedly laid down that when the dispute between the two citizens is of civil nature and no crime is registered, police have no jurisdiction to interfere in the civil dispute. Further, when there is a civil litigation either before the court of law or before the tribunal, the police have no jurisdiction to interfere in the civil dispute. Further, when there is a civil litigation either before a court of law or before a tribunal, the police cannot interfere and even if a complaint is made in relation to such dispute pending in a civil court, the citizens have to be advised to resolve the dispute through a duly constituted court of law.
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> In the scheme of the Constitution of India, the duty to resolve civil disputes is entrusted to judiciary. Police have no such power. Any interference by police in a pending civil dispute or a potential civil dispute between citizens or two groups of citizens is not within the province of the police. Furthermore, if a cognizable offence is reported to the police, it is the duty of the police to register the crime under Section 154 of the Code of Criminal Procedure, 1973 (Cr.P.C) and take up investigation immediately. In a given case, even if a civil dispute, to say a land dispute, is pending before a civil Court and if the quarrel between the two warring parties has a potential of resulting in a law and order problem posing threat to the society at large, the police can always take up the case only after registering the crime under Section 154 Cr.P.C. Without registering the crime and without any reason the police cannot interfere.

The Learned Government Pleader does not dispute the legal position. Therefore, this writ petition is disposed of directing the respondents not to interfere in the civil disputes, if any, between the petitioner, her vendor and other third parties.

The writ petition is accordingly disposed of. There shall be no order as to costs.

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(V.V.S.RAO,J)

05.08.2005

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